

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOART LONGYEAR COMPANY,
Plaintiff,
v.
NATIONAL E.W.P., INC., et al.,
Defendants.

2:11-CV-2106 JCM (RJJ)

ORDER

16 Presently before the court is defendant National EWP Inc.'s counter motion to dismiss. (Doc.
17 #8). After defendant filed its counter motion to dismiss, plaintiff Boart Longyear Inc. filed an
18 amended complaint as a matter of course. (Doc. #15).

19 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant National EWP Inc.'s counter motion to dismiss (doc. #8) be, and the same hereby is, DENIED as moot.

22 || DATED April 11, 2012.

James C. Mahan
UNITED STATES DISTRICT JUDGE